

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 14629 of Angelo A. Puglisi, pursuant to 11 DCMR 3108.1 and 3107.2, for a special exception to continue use of a parking lot under Sub-section 505.1 and a variance from the prohibition against all-day commuter parking under Sub-section 505.5 in an HR/SP-2 District at premises 1114-1116 - 13th Street, N.W., (Square 247, Lot 852).

HEARING DATE: September 16, 1987

DECISION DATE: September 16, 1987 (Bench Decision)

FINDINGS OF FACT:

1. The site is located on the west side of 13th Street between L Street and Massachusetts Avenue, N.W., and is known as premises 1114-16 13th Street, N.W. It is located in a HR/ SP-2 District.

2. The lot is rectangular in shape with a frontage of 45.75 feet along 13th Street, and a depth of 128.00 feet. A 30 feet wide public alley is located to the rear of the site.

3. The HR/SP-2 District extends in all directions from the site. A C-4 District is located one block to the south and west of the site.

4. Pursuant to Sub-sections 3108.1 and 3107.2 the applicant is seeking a special exception to continue the use of the site as a parking lot under Sub-section 505.1 and a variance from the prohibition against all-day commuter parking under Sub-section 505.5.

5. By BZA Order No. 14019, dated January 24, 1984, and No. 13694, dated July 16, 1982, the Board granted applications to allow the property to be used as a parking lot for all-day commuter parking for one year for each application.

6. The condition of the lot is now the same as it was for the prior applications.

7. The lot is open from 7:45 A.M. to 6:00 P.M. The lot is cleaned on a daily basis. The lot has a capacity to accomodate approximately thirty cars.

8. The lot is used for residential parking without charge after 6:00 P.M. There is not sufficient demand for residential parking to operate the lot for that purpose alone. There are monthly lease agreements for all-day parking for approximately nine cars. There has been no demand at this location for short-term parking. Short-term parking is available on both sides of 13th Street where there are parking meters.

9. The facilities on this lot have been found on prior occasions to be non-objectionable to adjoining and nearby property owners. The noise and the traffic generated by cars using this lot is negligible compared to the noise generated by the existing traffic flow along 13th Street, Massachusetts Avenue and L Street. There have been no complaints from surrounding users as to the operation of this lot.

10. The lot complies with the requirements of Chapter 23.

11. The lot is paved and graded in such a way that the only reasonable use of the premises without substantial physical improvements is for parking purposes. In addition, the immediate vicinity of the lot contains few commercial uses that would generate a short-term parking demand.

12. By memorandum dated July 8, 1987 the Department of Public Works reported that it has no objections to the continued use of the site as a parking lot for short term parking needs. The Board finds that it is not convinced that there is a demand for short-term parking on the site.

13. Advisory Neighborhood Commission 2C filed no report on the application.

14. There was no opposition to the application at the public hearing or of record.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicant is seeking a special exception and a variance. As to the special exception, the Board concludes that the applicant has substantially met the requirements of Sub-sections 3108.1 and 3107.2 of the Zoning Regulations. The subject lot was in existence on October 5, 1978, under Board approval. The use is not likely to become objectionable because of noise, traffic or other objectionable conditions due to the location of the subject site on 13th Street between Massachusetts Avenue and L Street and the nature of the surrounding uses. The lot is an interim use of the site and will not adversely affect the present character and future development of the area.

The lot is used, in part, for residential parking. The Board concludes that approval of this special exception, as herein conditioned, can be granted as in harmony with the general purpose and intent of the Zoning Regulations and will not tend to adversely affect the use of neighboring property.

As to the requested variance, the Board concludes that such a variance is a use variance because the relief requested relates to the manner in which the parking spaces will be used. In order to grant the use variance, the applicant must demonstrate that there is an undue hardship arising out of some unique or exceptional condition of the property. The Board concludes that there is no other reasonable interim use of the subject property than the continuation of the subject parking facility. The Board further concludes that there are not sufficient facilities in the area to generate a demand for short-term parking and that restriction of the use of the lot other than commuter parking only would create a hardship for the owner. The Board further concludes that the variance can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and map.

Accordingly, it is ORDERED that the application is GRANTED SUBJECT to the following:

- A. Approval shall be for a period of three years from the final date of the order.
- B. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.
- C. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.
- D. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.
- E. All parts of the lot shall be kept free of refuse and debris and shall be paved or landscaped. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly.
- F. No other use shall be conducted from or upon the premises, and no structure other than an attendant's shelter shall be erected or used upon the premises unless such use or structure is otherwise permitted in the zoning district in which the parking lot is located.

- G. Any lighting used to illuminate the parking lot or its accessory building shall be so arranged that all direct rays of such lighting are confined to the surface of the parking lot.

VOTE: 4-0 (William F. McIntosh, Paula L. Jewell, Charles R. Norris and Carrie L. Thornhill to grant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
EDWARD L. CURRY  
Executive Director

FINAL DATE OF ORDER: OCT 16 1987

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

order14629/DEE3